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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,676	07/19/2001	Theodore L. Griggs	JANJA-00101	1515
28960	7590	12/14/2005	EXAMINER	
HAVERSTOCK & OWENS LLP 162 NORTH WOLFE ROAD SUNNYVALE, CA 94086			PARRY, CHRISTOPHER L	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/909,676	GRIGGS, THEODORE L.	
	Examiner	Art Unit	
	Chris Parry	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>09/21/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: On page 9, on line 16, "devices 210 and 202" should actually be --devices 201 and 202--. On page 11, on line 5, "devices 410 and 402" actually should be --devices 401 and 402--.

Appropriate correction is required.

Claim Objections

2. Claim 1 is objected to because of the following informalities: In claim 1, line 5, "source unit coupled the server" should be --source unit coupled **to** the server--.

Appropriate correction is required.

Response to Arguments

3. Applicant's arguments filed on November 14, 2005 have been fully considered but they are not persuasive. In response to applicant's remarks, the examiner respectfully disagrees that Ellis does not teach or suggest providing a logical address corresponding to the receiving device when making requests. Ellis teaches the use of Internet connections between main facility 12, local information service 15 and interactive television program guide equipment 17 (Col. 4, lines 10-30). Ellis further teaches a program guide client application may run on PC/TV 23 and can access program guide server 25 via Internet service system 61 and communications path 20

Art Unit: 2614

(Col. 7, lines 23-49). Therefore, PC 23 must have an IP address or "logical address" to access the Internet and to inform the program server of the location of the PC so as to facilitate receiving program guide data. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., selecting programming to be transmitted to selectable geographical locations) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2614

5. Claims 1-4, 7-8, 15, 17-21, and 24-53 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al. (hereinafter "Ellis") (U.S. 6,898,762).

Regarding Claim 1, Ellis teaches "an architecture for providing content data to a user, the architecture comprising: a server unit for storing a plurality of user codes and for generating program schedule for each user code" by figure 1. Ellis teaches user data, such as user preference profiles, preferences, parental control settings, record and reminder settings, viewing histories, and other suitable data may also be stored on storage device 56 by program guide server 25 (column 6, lines 13-17). Ellis further teaches processing circuitry 54 may process requests for program guide data by searching the program guide data stored on storage device 56 for the requested data, retrieving the data, and providing the retrieved data to distribution equipment 21 for distribution to user television equipment 22. Processing circuitry 54 may also process storage requests generated by the program guide client that direct program guide server 25 to store user data. Alternatively, program guide server 25 may distribute program guide data to and receive user data from user television equipment 22 directly (column 6, lines 22-29). Ellis teaches "a content source unit coupled the server for providing dynamic program schedule data to the server unit, wherein the server unit is configured to compile the dynamic program schedule data for each of the user codes to generate the program schedules, wherein the content source unit distributes the content data to a user location that has been identified by a logical address" by figures 1 and 2C. Ellis teaches main facility 12 may provide program guide data from data source 14 to interactive television program guide equipment 17 via communications link 18. There

Art Unit: 2614

may be multiple program guide data sources in main facility 12 (column 4, lines 12-17). Program guide server 25 may retrieve program guide data or video files from storage device 56 in response to program guide data or video requests generated by an interactive television program guide client implemented on user television equipment 22 (columns 5-6, lines 64-67, 1-2). Further, Ellis teaches the program guide allows users to define user preferences that allow users to customize their program guide experience by setting up a user preference profile (column 14, lines 18-37). The program guide server 25 or “content source unit” can distribute data to the client’s personal computer 23 or “user location” by transmitting the data via Internet over communications path 20 (Col. 7, lines 23-33). Therefore, program guide server 25 or “content source unit” must identify PC 23 or “user location” by an IP address or “logical address” in order to facilitate program guide server 25 knowing the location of the user device so data can be routed to the requesting user.

As for Claim 2, the claim “the user operates the server unit to select content data from at least one of the program schedules through the server” is met by Ellis as disclosed is a program guide client application that may run on personal computer 23. The client may access program guide server 25 via Internet service system 61 and communications path 20 (column 7, lines 27-30). Ellis further teaches there may be multiple program guide data sources in main facility 12 (column 4, lines 12-17).

As for Claim 3, Ellis teaches “the content source unit is coupled to a network comprising a plurality of network ports, wherein selected content data is transmitted to

Art Unit: 2614

the user through at least one of the plurality of network ports” by figure 1. Ellis teaches link 18 and link 41 may be an Internet link (column 4, lines 25-48).

As for Claim 4, Ellis teaches, “at least one of the plurality of network ports is identified by providing the server unit with a logical address.” Ellis teaches user television equipment 22 may also include suitable hardware for communicating with program guide server 25 over communications path 20 (e.g., Ethernet cards, modems (digital, analog, or cable), etc.) (column 6, lines 47-50). It is inherently known that devices that transmit data via the Internet have an IP address (“logical address”) associated with the device, which identifies the location (identifies the device) for data to be transmitted to.

As for Claim 7, “the user identifies the user location by providing the server unit with a logical address” Ellis teaches user television equipment 22 may also include suitable hardware for communicating with program guide server 25 over communications path 20 (e.g., Ethernet cards, modems (digital, analog, or cable), etc.) (column 6, lines 47-50). It is inherently known that devices that transmit data via the Internet have an IP address (“logical address”) associated with the device, which identifies the location (identifies the device) for data to be transmitted to.

As for Claim 8, Ellis teaches, “the logical address corresponds to a receiving device at the user location” by disclosing user television equipment 22 (receiving device) may also include suitable hardware for communicating with program guide server 25 over communications path 20 (e.g., Ethernet cards, modems (digital, analog, or cable), etc.) (column 6, lines 47-50). It is inherently known that devices that transmit

Art Unit: 2614

data via the Internet have an IP address ("logical address") associated with the device, which identifies the location (identifies the device) for data to be transmitted to.

As for Claim 15, Ellis teaches, "the user codes comprise user preferences" in figures 13A-13F. Ellis teaches the program guide may provide users with the ability to set up multiple user preference profiles (column 14, lines 39-41). Ellis further teaches user preference profiles may include criteria such as preference attributes 104 and preference levels 106 (column 14, lines 47-48).

Regarding Claim 17, Ellis teaches "the program schedules are automatically updated" as it is inherent that all program schedules are automatically updated as program guides present users a listing of what is currently on or what will be on in the future. So as the time of the day changes, program guides are automatically update.

As for Claim 18, Ellis teaches in figure 24, "the user codes are automatically updated based on selected content data." Ellis teaches the program guide client may provide the viewing history information to program guide server 25 continuously (i.e., each time the program guide client determines that a user has watched a program for the predefined time), periodically, in response to polls or requests from program guide server 25, or with any other suitable frequency (column 23, lines 42-49). Ellis further teaches program guide server 25 keeps track of the viewing history for the current active preference profile (column 19, lines 11-23) and program guide server 25 will filter viewing recommendations based on viewing history (column 20, lines 24-31).

As for Claim 19, Ellis teaches "the content source unit is configured to transmit digital video content data selected by the user from the at least one of the program

Art Unit: 2614

schedules.” Ellis discloses digital video signals may be distributed by distribution equipment 21 to user television equipment 22 over communications path 20 (column 5, lines 36-44).

As for Claim 20, Ellis meets the limitation “the content source unit is configured to transmit broadcast content data selected by the user from the at least one of the program schedules.” Ellis discloses analog or digital video signals (e.g., television programs) may also be distributed by distribution equipment 21 to user television equipment 22 over communications paths 20 on multiple analog or digital television channels. Alternatively, videos may be distributed to user television equipment 22 from some other suitable distribution facility, such as a cable system headend, a broadcast distribution facility, a satellite television distribution facility, or any other suitable type of television distribution facility (column 5, lines 36-44).

Regarding Claim 21, Ellis teaches the limitation “a system for providing a customized program schedule to a remote user location, the system comprising a networked server configured for surveying available programs from content providers” by disclosing interactive television program guide equipment 17 receives guide data from main facility 12 via link 18. Program server 25 filters the received data and only provides EPG data of interest to the user (column 21, lines 18-22). Ellis teaches, “automatically generating the customized program schedule based on user criteria,” by disclosing program guide server 25 or the program guide client may use preference profiles to filter out undesirable program guide data. This may be accomplished using any suitable approach. Program guide server 25 may, for example, only provide

Art Unit: 2614

program listings information or other program guide data that meets the preference profile or profiles to the program guide client (column 21, lines 16-22). Ellis further teaches "where the system is configured to allow the user to select program transmissions from the customized program schedule to a selected logical address" by disclosing a user may indicate a desire to view program listings by, for example, positioning highlight region 151 over the desired expression and pressing an "OK" key on remote control 40 by using PC/TV 23 or set-top box 28 (column 11, lines 23-28). Ellis teaches PC/TV 23 can access program guide server 25 via the Internet to make requests. Therefore, program guide server 25 or "content source unit" must identify PC 23 or "user location" by an IP address or "logical address" in order to facilitate program guide server 25 knowing the location of the user device so data can be routed to the requesting user.

As for Claim 24, Ellis teaches, "the user criteria comprises the user's availability at the remote user location and content data previous program transmissions to the remote user location" by disclosing program guide server 25 may also record the viewing histories of users on storage device 56. Viewing histories may be created using any suitable approach. The program guide client may, for example, keep track of all of the programs that a user watches for longer than a predefined time, and record the household that the guide client is running in, the current active preference profile or profiles, the program (or its identifier), and how long the user watched the program. The program guide may process user profiles along with the viewer histories to present a more customized viewing experience to the user (column 19, lines 11-50).

As for Claim 25, Ellis teaches, “the customized program schedule is periodically updated” by disclosing the program guide client may provide the viewing history information to program guide server 25 continuously (e.g., each time the program guide client determines that a user has watched a program for the predefined time), periodically, in response to polls or requests from program guide server 25 (column 19, lines 34-40). Since program guide server 25 or the program guide client may filter viewing recommendations that are generated by main facility 12 or television distribution facility 16 based on viewing histories (column 20, lines 26-31) the program schedule will be updated periodically as well.

As for Claim 26, Ellis teaches, “the customized program schedule is periodically updated based on the programs transmissions” by disclosing the program guide client may provide the viewing history information to program guide server 25 continuously (e.g., each time the program guide client determines that a user has watched a program for the predefined time), periodically, in response to polls or requests from program guide server 25 (column 19, lines 34-40). Since program guide server 25 or the program guide client may filter viewing recommendations that are generated by main facility 12 or television distribution facility 16 based on viewing histories (column 20, lines 26-31) the program schedule will be updated periodically as well.

As for Claim 27, Ellis teaches, “the server surveys available programs from the content providers via the internet” by disclosing program guide server 25 obtains program guide data from main facility 12 or some other facility (e.g., local information service 15) via the Internet (column 5, lines 12-17). Then program guide server 25 may

Art Unit: 2614

filter viewing recommendations that are generated by main facility 12 based on profiles and viewing histories (column 20, lines 26-31).

As for Claim 28, Ellis teaches, “the program transmissions comprise digital video content data to the user location” by disclosing analog or digital video signals (e.g., television programs) may also be distributed by distribution equipment 21 to user television equipment 22 over communications paths 20 on multiple analog or digital television channels (column 5, lines 36-40).

As for Claim 29, Ellis teaches, “the program transmissions comprise broadcast content data to the remote user location” by disclosing analog or digital video signals (e.g., television programs) may also be distributed by distribution equipment 21 to user television equipment 22 over communications paths 20 on multiple analog or digital television channels. Alternatively, videos may be distributed to user television equipment 22 from some other suitable distribution facility, such as a cable system headend, a broadcast distribution facility, a satellite television distribution facility, or any other suitable type of television distribution facility (column 5, lines 36-44).

Regarding Claim 30, Ellis teaches, “a system for generating a program schedule comprising: means for identifying a user criteria” in figures 13A-13F. Ellis discloses FIGS. 13a-13f illustrate how the program guide may provide a user with an opportunity to set preference levels for series, genres, channels, actors and actresses, ratings, and other types of preference attributes, respectively (column 15, lines 3-7). Ellis meets the limitation “means for generating a program schedule based on the user criteria” by disclosing program guide server 25 or the program guide client may use preference

Art Unit: 2614

profiles to filter out undesirable program guide data. This may be accomplished using any suitable approach. Program guide server 25 may, for example, only provide program listings information or other program guide data that meets the preference profile or profiles to the program guide client (step 2025) (column 21, lines 16-22). Ellis further teaches the limitation “means for communicating the program schedule to a user location that has been identified by a logical address” in figures 2a-2c. Ellis discloses program guide server 25 may communicate with user television equipment 22 using any suitable communications protocol (column 6, lines 38-50). Ellis further teaches, a client can access program guide server 25 via the Internet over communications path 20 (col. 7, lines 23-30). Therefore, program guide server 25 or “content source unit” must identify PC 23 or “user location” by an IP address or “logical address” in order to facilitate program guide server 25 knowing the location of the user device so data can be routed to the requesting user. Ellis discloses “means for allowing the user to select programs from the program schedule at the user location” by teaching a user may select a listing by, for example, pressing on the “OK” or “info” key on remote control 40 (column 11, lines 23-33).

As for Claim 31, Ellis teaches the claim “means for generating the user criteria includes a survey of a user’s preferences including subjects of interest in the categories of sports and entertainment” by figures 13A-13F. Ellis discloses how a user can configure a profile by initiating preference profile setup from the setup screen shown in figure 12. Figure 13b shows the user is allowed to set preferences for various types of programs including movies, game shows, news, and sports.

As for Claim 32 Ellis teaches, “means for generating the user criteria includes a history of programs previously received at the user location”. Ellis discloses program guide server 25 may also record the viewing histories of users on storage device 56. Viewing histories may be created using any suitable approach. The program guide client may, for example, keep track of all of the programs that a user watches for longer than a predefined time, and record the household that the guide client is running in, the current active preference profile or profiles, the program (or its identifier), and how long the user watched the program (column 19, lines 11-19).

As for Claim 33, Ellis teaches, “a means for generating the program schedule based on the user criteria comprises a server, wherein the server stores the program schedule.” Ellis discloses program guide server 25 or the program guide client may filter viewing recommendation that are generated by main facility 12 or television distribution facility 16 based on similar expressions, profiles, viewing histories, etc (column 20, lines 27-31). Ellis further teaches, storage device 56, shown in figures 2A-2C, may be a memory or other storage device, that is suitable for storing the program guide data transmitted to television distribution facility 16, by main facility 12 (column 6, lines 9-13).

As for Claim 34, Ellis meets the claim, “means for communicating the program schedule to the user location comprises a network” by communications path 20. Ellis teaches communications paths 20 preferably has sufficient bandwidth to allow television distribution facility 16 or another distribution facility to distribute television programming to user television equipment 20 (column 5, lines 52-55).

As for Claim 35, Ellis discloses in figures 6 and 7 “means for selecting programs from the program schedule comprises a graphical user interface operated from the server.” Figure 6 illustrates the display of program listings by time. Program listings screen 130 of FIG. 6 may include highlight region 151, which highlights the current program listing 150.

Regarding Claim 36, Ellis teaches the limitation “a method of scheduling content data comprising: storing client preferences for a client at a server location” by disclosing user data, such as user preference profiles, preferences, parental control settings, record and reminder settings, viewing histories and other suitable data may also be stored on storage device 56, by program guide server 25 (column 6, lines 13-17). Ellis teaches the limitation “cataloging available content data from selected content providers based on the client preferences” by disclosing program guide server 25 or the program guide client may filter viewing recommendation that are generated by main facility 12 or television distribution facility 16 based on similar expressions, profiles, viewing histories, etc (column 20, lines 27-31). Ellis further teaches the limitation “transmitting the available content data to a remote client location that has been identified by a logical address” by disclosing program guide server 25 may communicate with user television equipment 22 using any suitable communications protocol (column 6, lines 38-46). Further, a client can use PC/TV 23 to access program guide server 25 via the Internet over communications path 20. Therefore, program guide server 25 or “content source unit” must identify PC 23 or “user location” by an IP address or “logical address” in order

Art Unit: 2614

to facilitate program guide server 25 knowing the location of the user device so data can be routed to the requesting user.

As for Claim 37, Ellis teaches, “communicating the available content data to the remote client location comprising providing the server with a user identification and a logical address corresponding to the remote client location”. Ellis teaches the server is provided with user identification as the program guide provides users with the ability to set up multiple user preference profiles. Users may switch between user preference profiles, for example, selecting preference profile selector 109 (column 14, lines 39-43). Ellis further teaches the program guide may process user profiles along with the viewer histories to present a more customized viewing experience to the user (column 19, lines 47-49), so each profile is provided with its own customized program schedule. Ellis teaches personal computer 23 communicates with program guide server 25, via the Internet (column 7, lines 23-33). It is inherently known that devices that transmit data via the Internet have an IP address (“logical address”) associated with the device, which identifies the location for data to be transmitted to.

As for Claim 38, Ellis teaches, “the logical address corresponds to a receiving device at the remote location” by disclosing user television equipment 22 (receiving device) may also include suitable hardware for communicating with program guide server 25 over communications path 20 (e.g., Ethernet cards, modems (digital, analog, or cable), etc.) (column 6, lines 47-50). It is inherently known that devices that transmit data via the Internet have an IP address (“logical address”) associated with the device, which identifies the location for data to be transmitted to.

As for Claim 39, Ellis teaches, “the logical address corresponds to a network node at the remote location” by disclosing user television equipment 22 (receiving network node) may also include suitable hardware for communicating with program guide server 25 over communications path 20 (e.g., Ethernet cards, modems (digital, analog, or cable), etc.) (column 6, lines 47-50). It is inherently known that devices that transmit data via the Internet have an IP address (“logical address”) associated with the device, which identifies the location (identifies the device) for data to be transmitted to.

As for Claim 40, Ellis teaches, “communicating the available content data comprises transmitting digital video data over a network” by disclosing digital video signals can be transmitted over a dedicated computer network or Internet link (column 5, lines 29-44).

As for Claim 41, Ellis teaches, “the network comprises the internet” by disclosing program guide server obtains program guide data from main facility 12 or some other facility (e.g., local information service 15) via Internet (column 5, lines 13-17).

As for Claim 42, Ellis teaches, “the available content data is transmitted to a personal computer at the remote location” by disclosing in figure 2C a personal computer connected by communications path 20 to interactive television program guide equipment 17.

As for Claim 43, Ellis teaches, “the available content data is automatically transmitted to the personal computer” by disclosing the program guide may present program listings when a user presses a suitable key (e.g., a “guide” key) on remote control 40. When a user indicates a desire to view television program listings, the

Art Unit: 2614

program guide client requests listings from program guide server 25 and generates an appropriate program listings screen for display on display device 45 (FIG. 4) (Column 10, lines 44-50). So, when requested, program guide is automatically presented to the user on a display device.

As for Claim 44, Ellis teaches, "storing the available content data on the personal computer" by disclosing user television equipment 22 (or personal computer 23) may also have memory 63 suitable for storing program guide client instructions and program guide data for use by control circuitry 42 (column 9, lines 40-46).

Regarding Claim 45, Ellis teaches, "a method of scheduling content data: providing a list of preferences to a remote server, wherein the remote server maintains a catalogue of content data based on the list of preferences" by disclosing in figure 13B a user can configure his/her likes and dislikes for a range of programs. Program guide server 25 may, for example, only provide program listings information or other program guide data that meets the preference profile or profiles to the program guide client (column 21, lines 19-22). Ellis teaches, "identifying a user location from a logical address" by teaching user television equipment and PC/TV 23 are connected to program guide server 25 via the Internet (column 7, lines 23-33). Therefore, program guide server 25 or "content source unit" must identify PC 23 or "user location" by an IP address or "logical address" in order to facilitate program guide server 25 knowing the location of the user device so data can be routed to the requesting user. Ellis teaches, "transmitting cataloged content data to the user location" by disclosing program guide server 25 may communicate with user television equipment 22 using any suitable

Art Unit: 2614

communications protocol. For example, program guide server 25 may use a communications protocol stack that includes transmission control protocol (TCP) and Internet protocol (IP) layers (column 6, lines 38-46).

As for Claim 46, Ellis teaches, “the cataloged content data is automatically transmitted to the identified user location” by disclosing the program guide may present program listings when a user presses a suitable key (e.g., a “guide” key) on remote control 40. When a user indicates a desire to view television program listings, the program guide client requests listings from program guide server 25 and generates an appropriate program listings screen for display on display device 45 (FIG. 4) (Column 10, lines 44-50). So, when requested, program guide is automatically presented to the user on a display device.

As for Claim 47, Ellis teaches, “the cataloged content data comprises digital video data” by analog or digital video signals (e.g., television programs) may also be distributed by disclosing distribution equipment 21 to user television equipment 22 over communications paths 20 on multiple analog or digital television channels. Alternatively, videos may be distributed to user television equipment 22 from some other suitable distribution facility, such as a cable system headend, a broadcast distribution facility, a satellite television distribution facility, or any other suitable type of television distribution facility (column 5, lines 36-44).

As for Claim 48, Ellis teaches, “cataloged content data is transmitted to the remote user location via the internet” by disclosing personal computer 23 (or remote

Art Unit: 2614

device) communicates with program guide server 25, via the Internet (column 7, lines 23-33) to received customized program schedule.

As for Claim 49, Ellis teaches, “the remote server maintains the catalogue of content data by surveying available content data from a plurality of content providers” by disclosing program guide server 25 obtains program guide data from main facility 12 or some other facility (e.g., local information service 15) via the Internet (column 5, lines 12-17). Ellis further teaches there may be multiple program guide data sources in main facility 12 (column 4, lines 15-16). Then program guide server 25 may filter viewing recommendations that are generated by main facility 12 based on profiles and viewing histories (column 20, lines 26-31).

As for Claim 50, Ellis teaches, “available content data is transmitted to the identified user location from at least one of the plurality of content providers” by disclosing program guide server 25 obtains program guide data from main facility 12 or some other facility (e.g., local information service 15) via the Internet (column 5, lines 12-17). Ellis further teaches there may be multiple program guide data sources in main facility 12 (column 4, lines 15-16). Ellis teaches program guide client on personal computer 23 (remote device) may access program guide server 25 via the Internet (column 7, lines 24-30). It is inherent that personal computer 23 or remote device will comprise an IP address that will identify the location for the program guide server to transmit data to remote device.

Regarding Claim 51, Ellis teaches, “a system for providing content data comprising: a network coupled to at least one content provider” by disclosing link 18,

Art Unit: 2614

which can comprise an Internet link or any other suitable link between main facility 12 and interactive television program guide equipment 17 (column 4, lines 12-30). Ellis teaches, "a remote server coupled to the network and comprising; a memory device for storing a plurality user identification codes wherein each user identification code corresponds to a list of user preferences" in figures 2A-2C which show storage device 56, which may be memory or other any other storage device (column 6, lines 9-21). Ellis teaches "a program for generating content data schedules for each of the plurality of user identification codes based on each corresponding list of user preferences wherein a user can access one of the content data schedules by providing the at least one of the user identification code" by disclosing program guide server 25 may be based on any suitable combination of server software and hardware (column 5, lines 63-64). Ellis teaches the program guide may also provide users with an opportunity to define user preferences that allow users to customize their program guide experience. Further, Ellis teaches users can switch between preference profiles by selecting preference profile selector 109 and arrowing right or left to select the desired user preference profile. (column 14, lines 11-46). Ellis further teaches "the user can select programs corresponding to one of the content data schedules to be transmitted to a remote location" by disclosing a user may highlight a program and select it with pressing the "OK" button on the remote control (column 11, lines 14-33). Ellis teaches, "a device for receiving the selected programs at a remote location based on the logical address of the device" by disclosing figures 2A-2C which show user television equipment 22 and PC/TV 23 can be used to receiver program data from program guide server 25 via the

Art Unit: 2614

Internet over communications path 20 (Col. 7, lines 23-30). Therefore, program guide server 25 or "content source unit" must identify PC 23 or "user location" by an IP address or "logical address" in order to facilitate program guide server 25 knowing the location of the user device so data can be routed to the requesting user.

As for Claim 52, Ellis teaches, "a device for receiving the selected programs comprises: a computer comprising a video card; and a viewing device couple to the computer" in figure 2C. Ellis further discloses personal computer 23 may include, for example a PC/TV card (column 7, lines 40-41). Figure 2C further discloses PC 23 is connected to monitor 39.

As for Claim 53, Ellis teaches, "the video card provides for television tuner logic and wherein the viewing device is a television" by disclosing a PC/TV card for personal computer 23 (column 7, lines 40-41). PC/TV cards provide the user with the ability to connect a television set to a personal computer.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Wugofski (WO 99/35849).

As for Claim 9, Ellis teaches “the content source unit and the server unit are coupled through a content network,” is shown in figure 1 as main facility 12 and interactive television program guide equipment 17 are connected through link 18. Ellis teaches “the content network comprising a plurality of network ports for transmitting content data” in figure 1 by communication links 18 and 41. Ellis fails to disclose the user is capable of selecting at least one of the plurality of network ports for receiving the content data selected from the at least one of the program schedules. Wugofski discloses in figure 2, EPG content services 205 receiving EPG content from a plurality of providers. Wugofski teaches the EPG content transport functions 201 move guide data from various sources and into a storage area such as a hard disk 107, on the digital processing system 101. Each EPG content transport function 201 is specified to the particular source, such as the VBI in the broadcast television signal, an MPEG2 data stream transmitted via satellite, a phone line, hard media, or some other communication means (page 6, lines 18-23). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Ellis with Wugofski to allow the user to select from a plurality of ports a content provider to allow the user to get EPG data from a preferred provider.

Regarding Claim 10, Ellis teaches “the use of content network as a private pay-for-use network” by disclosing link 18 may be a satellite link, a telephone network link, a cable or fiber optic link, a microwave link, an Internet link, a combination of such links,

Art Unit: 2614

or any other suitable communications link. Video signals may also be transmitted over link 18 if desired (column 4, lines 26-29).

As for Claim 11, Ellis meets the claim "the server unit is further coupled to the internet and wherein the content data is selected from the at least one of the program schedules through the internet." Ellis teaches in column 7, lines 3-33, main facility 12 or interactive television program guide equipment 17 can obtain program guide data through Internet service system 61. Ellis further teaches the client may access program guide server 25 via Internet on a personal computer.

Regarding Claim 13, Ellis teaches "the user selects the at least one of the network ports by providing a logical address corresponding to a receiving device." Ellis teaches communications paths 20 preferably have sufficient bandwidth to allow television distribution facility 16 or another distribution facility to distribute television programming to user television equipment 22. There are typically multiple pieces of user television equipment 22 and multiple associated communications paths 20 (column 5, lines 52-57). Ellis teaches user television equipment 22 may also include suitable hardware for communicating with program guide server 25 over communications path 20 (e.g., Ethernet cards, modems (digital, analog, or cable), etc.) (column 6, lines 47-50). It is inherently known that devices that transmit data via the Internet have an IP address ("logical address") associated with the device, which identifies the location (identifies the device) for data to be transmitted to.

As for Claim 14, Ellis teaches "the content network comprises the internet." Ellis teaches program guide server obtains program guide data from main facility 12 or some other facility (e.g., local information service 15) via the Internet (column 5, lines 13-17).

8. Claims 5, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Williams et al. (hereinafter Williams) (U.S. 2004/0019908).

Regarding Claim 5, Ellis fails to teach the user accessing at least one program schedule by providing the server with a unique user identification number through the network. Williams teaches preferences database 214 includes different preferences lists for different users of the system. Further, the system needs to know the particular user so identification of a particular user can be made in any of a variety of conventional manners, such as by a user id log-in process, voice recognition, etc (page 3, paragraph 38). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Ellis with Williams to require the user provide a unique identification number to the server to allow the server to provide the customized program schedule for the user.

As for Claim 22, Ellis fails to teach the program transmissions are initiated by a log on procedure, where the remote user provides the server with a unique user identification number. Williams teaches preferences database 214 includes different preferences lists for different users of the system. Further, the system needs to know the particular user so identification of a particular user can be made in any of a variety of conventional manners, such as by a user id log-in process, voice recognition, etc

(page 3, paragraph 38). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Ellis with Williams to require the user provide a unique identification number to the server to allow the server to provide the customized program schedule for the user.

As for Claim 23 Ellis teaches, "wherein program transmissions are initiated by providing the selected logical address corresponding to a receiving device at the remote user location" by disclosing figure 2C. Ellis discloses a program guide client application may run on PC 23 or "receiving device". The client may access program guide server 25 via Internet service system 61 and communications path 20. Therefore, program guide server 25 or "content source unit" must identify PC 23 or "user location" by an IP address or "logical address" in order to facilitate program guide server 25 knowing the location of the user device so data can be routed to the requesting user.

9. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Grooters (U.S. 6,684,399).

Regarding Claim 16, Ellis teaches "the content source unit comprises a plurality of content providers, Ellis fails to teach where the content source unit comprises a plurality of content providers and wherein the preferences comprise selected providers from the plurality of content providers. Grooters teaches, nodes 224-228 can be Internet sites, media sites, or specialty programming sites (NASA TV), etc. (column 6, lines 40-45), which can be delivered to client 210 through worldwide network 222. Grooters further teaches, the selection of at least one of the plurality of nodes 224-228 is based

Art Unit: 2614

off of user preferences. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Ellis with Grooters where preferences comprise selected providers from the plurality of available content providers so the users can reduce the amount of time that is necessary to view all available programs and reduce redundancy in channel listings.

10. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Wugofski (WO 99/35849) as applied to claim 9 above, and further in view of Williams et al. (U.S. 2004/0019908).

As for Claim 12, Ellis and Wugofski fail to teach the user accessing at least one program schedule by providing the server with a unique user identification number through the network. Williams et al. teaches preferences database 214 includes different preferences lists for different users of the system. Further, the system needs to know the particular user so identification of a particular user can be made in any of a variety of conventional manners, such as by a user id log-in process, voice recognition, etc (page 3, paragraph 38). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Ellis with Williams et al. to require the user provide a unique identification number to the server to allow the server to provide the customized program schedule for the user.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Parry whose telephone number is (571) 272-8328. The examiner can normally be reached on Monday through Friday, 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner Initials: CLP

December 8, 2005



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600